

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

GLENN EDWARD SMITH,

Plaintiff,

vs.

**WILLIAM MASSEE, individually, as
Sheriff of Baldwin County, Georgia, and
TRINITY FOOD SERVICES GROUP,**

Defendants.

:
:
:
:
:
:
:
:
:
:
:
:
:

5:06-CV-21(CAR)

***ORDER ON THE REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE***

Before the Court is the United States Magistrate Judge’s Recommendation (doc. 50) to dismiss Defendant Trinity Services Group (“Trinity”) from this action because Trinity, a private corporation, is not a “person” who may be sued under § 1983.¹ None of the parties filed an objection to the Magistrate Judge’s Recommendation. Having carefully considered the United States Magistrate Judge’s Report and Recommendation, the Court agrees with the Recommendation. Accordingly, the Recommendation that Defendant Trinity Services Group be **DISMISSED** from this action is hereby **ADOPTED** and **MADE THE ORDER OF THE COURT**.

SO ORDERED, this 23rd day of March, 2007.

/s/ C. Ashley Royal
C. ASHLEY ROYAL, JUDGE
UNITED STATES DISTRICT COURT

JAB/aeg

¹ See *Harvey v. Harvey*, 949 F.2d 1127, 1129-30 (11th Cir. 1992) (holding that a private hospital is not a “person” capable of being sued under § 1983).